



IT IS ORDERED as set forth below:

Date: September 12, 2018

Paul Baisier

**Paul Baisier
U.S. Bankruptcy Court Judge**

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	:	CASE NO. 17-71578-PMB
	:	
C&L DELLA VALLE XXVI, LLC,	:	CHAPTER 7
	:	
Debtor.	:	
	:	

**ORDER APPROVING SETTLEMENT BETWEEN TRUSTEE AND DR. DANIEL E.
MCBRAYER UNDER RULE 9019 OF THE FEDERAL RULES
OF BANKRUPTCY PROCEDURE**

On August 14, 2018, S. Gregory Hays, as Chapter 7 Trustee (“**Trustee**”) for the bankruptcy estate (the “**Bankruptcy Estate**”) of C&L Della Valle XXVI, LLC (“**Debtor**”), filed a *Motion for Order Authorizing Settlement Between Trustee and Dr. Daniel E. McBrayer under Rule 9019 of the Federal Rules of Bankruptcy Procedure* [Doc. No. 63] (the “**Motion**”), seeking an order approving a settlement agreement (the “**Settlement Agreement**”) between Trustee and

Dr. Daniel E. McBrayer (“**Dr. McBrayer**”) wherein, *inter alia*,¹ Dr. McBrayer’s proof of claim [Claim No. 3] (the “**McBrayer Claim**”), filed in this bankruptcy case, shall be allowed as a non-priority, general unsecured claim in the reduced amount of \$20,000.00, without the need for Dr. McBrayer to file an amendment to the McBrayer Claim. In addition, Trustee, on the one hand, and Dr. McBrayer, on the other hand, provide one another broad and general releases.²

The complete terms of the Settlement Agreement are set forth in Exhibit “A” to the Motion.

On August 14, 2018, Trustee filed a notice of hearing [Doc. No. 64] (the “**Notice**”) setting a hearing on the Motion for September 10, 2018 (the “**Hearing**”). Counsel for Trustee certifies that he served the Notice on all requisite parties in interest. [Doc. No. 65].

No party in interest filed or served an objection to the relief requested in the Motion. Counsel for Trustee appeared at the calendar call for the Hearing. No parties in interest appeared to oppose the relief requested in the Motion.

The Court having considered the Motion along with the entire record in this matter; and, for good cause shown, it is hereby

ORDERED that the Motion is **GRANTED**: the Settlement Agreement is approved and its terms are incorporated herein. It is further

ORDERED that, in accordance with Section 2.2 of the Settlement Agreement, the McBrayer Claim is allowed as a non-priority, general unsecured claim in the reduced amount of

¹ The following is a summary of the Motion and the Settlement Agreement and is not intended to be comprehensive. To the extent that anything in this summary is contrary to the relief sought in the Motion or the terms of the Settlement Agreement, the request sought in the Motion and the terms of the Settlement Agreement shall control.

² Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.

\$20,000.00, without the need for Dr. McBrayer to file an amendment to the McBrayer Claim. It is further

ORDERED that Trustee may take any other actions necessary to effectuate the terms of the Settlement Agreement. It is further

ORDERED that this Court retains jurisdiction to (i) interpret, implement, and enforce this Order, (ii) resolve any disputes regarding or concerning the Settlement Agreement, and (iii) enter such other and further orders as may be necessary, just, or proper as an aid to enforcement or implementation of this Order.

[END OF DOCUMENT]

Order prepared and presented by:

ARNALL GOLDEN GREGORY LLP
Attorneys for Trustee

By: /s/ Michael J. Bargar
Michael J. Bargar
Georgia Bar No. 645709
michael.bargar@agg.com
171 17th Street, NW, Suite 2100
Atlanta, GA 30363
Telephone: (404) 873-7030

Identification of entities to be served:

Office of the United States Trustee
362 Richard B. Russell Bldg.
75 Ted Turner Drive, SW
Atlanta, Georgia 30303

S. Gregory Hays
Hays Financial Consulting, LLC
Suite 555, 2964 Peachtree Road
Atlanta, GA 30305

Dr. Daniel E. McBrayer
1605 Southpark Street
Lithia Springs, GA 30122

Howard P. Slomka
Slipakoff & Slomka, P.C.
Overlook III – Suite 1700
2859 Paces Ferry Road, SE
Atlanta, GA 30339

C&L Della Valle XXVI, LLC
4570 Blackland Drive
Marietta, GA 30067

Michael J. Bargar
Arnall Golden Gregory LLP
171 17th Street, NW, Suite 2100
Atlanta, GA 30363